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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 09/605,145 | 06/24/2000 | Michael Cortopassi | PALM-2933 | 6681 |
| 7590 08/31/2006 Wagner Murabito & Hao L L P Two North Market Street Third Floor San Jose, CA 95113 | | | EXAMINER ZAND, KAMBIZ | |
| | | | ART UNIT 2132 | PAPER NUMBER |

DATE MAILED: 08/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,145

Applicant(s)

CORTOPASSI ET AL.

Examiner

Kambiz Zand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20, 31-38 and 52-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 and 31-38 is/are allowed.
- 6) ☒ Claim(s) 52-56 and 59-65 is/are rejected.
- 7) ☒ Claim(s) 57 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

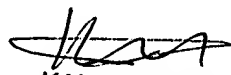
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/17/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1-11, 21-30 and 39-51 have been cancelled.
4. New claims 52-65 have been added.
5. Examiner withdraws objection to the drawings and specification due to correction by the applicant.
6. The rejections of claims 39-51 under 35 U.S.C 101 are moot due to cancellation of the claims 39-51.
7. Claims 12-20, 31-38 and 52-65 are pending.

Drawings

8. In order to avoid abandonment, the drawing informalities noted in the paper mailed on 01.04/2006, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

Please re-submit the drawings having “**replacement Sheet**” phrase noted on the Top center of the drawing sheets.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments are only persuasive in the light of the limitation of claim 57.

Therefore claim 57 rejections have been withdrawn.

Claim 64 or 65 limitations still reject able, but could be object able allowable matter in light of claim 60 if the limitations "a processor and a software, said processor coupled to said radio frequency identification integrated circuit, said software operates on said portable computing device" be included into limitation of claim 60 or 64 or 65 or similar limitations that defines the connections between the processor to IC and the software function & also overcome the 101 rejection below.

Claim Rejections - 35 USC § 101

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claim 60-65 are rejected under 35 U.S.C. 101 because the "if" condition would create a possibility of useful result which is the access to secure area and therefore if authorization is not given, then what is the useful result?. Therefore there result is not "concrete" result.

12. Examiner suggests if "if" condition is involved in a claim, then the limitations of the "if" conditions has to be present in it's entirely, that is if authorized, and if not authorized. The claim in broadest term could be considered as such, if authorization is not given, then the claims 64 and 65 become irrelevant also.

Claim Rejections - 35 USC § 103

13. **Claims 52-56 and 59-63** are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al (5,898,831 A) in view of Casden (6,828,902 B2).

As per claims 52 and 60 Hall et al (5,898,831 A) teach a system and a method comprising: a radio frequency identification integrated circuit that outputs a radio frequency signal containing a security code in response to being located within a radio frequency signal field where said radio frequency identification integrated circuit picked up radio frequency to output said radio frequency signal (see fig.2-4, 15 and 16 where personal device 121 transmit radio frequency signal to the car's door and where the device is within range of door range where the security code is electronic codes unique to the car as disclosed in col.12, lines 27-31; col.4, lines 8-20 disclose the use of radio frequency as an option for wireless communication may be employed; and col.5, lines 28-36 where ID, codes or passwords or PIN is being used as security code), said radio frequency identification integrated circuit is inactive except when located within said radio frequency signal field; a reader device that outputs said radio frequency signal field and receives said radio frequency signal (It is inherent in the art; as an example a remote car only is activated when it is within a range that the car door's reader is able to acknowledge its frequency receipt), said reader device outputs a release signal if said security code is authorized (see fig.16, item 215 and 216; col.12, lines 31-40); and a locking mechanism that unlocks said

entryway upon receipt of said release signal (see fig.16, item 216; col.12, lines 31-38; col.7, lines 55-58 where it unlock a secure passageway and fig.8-9).

Hall et al (5,898,831 A) do not disclose explicitly that the IC being **energized** in order to output the radio frequency. However Casden (6,828,902 B2) disclose the wireless technology using radio frequency in analogous art where the energizing of the Integrated Circuit is being done by picking radio frequency energy by transponder within it's range (see col.1, lines 19-35). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Casden's RFID method and system in Hall's interactive appliance security system and method in order to detect the pattern of the voltage changes on the Hall's reader and use the frequency to clock the IC.

As per claims 53 and 61 Hall et al (5,898,831 A) teach the system and a method as described in claims 52 and 60, wherein said code/password is unique or common (see where the security code is electronic codes unique to the car as disclosed in col.12, lines 27-31; col.4, lines 8-20 disclose the use of radio frequency as an option for wireless communication may be employed; and col.5, lines 28-36 where ID, codes or passwords or PIN is being used as security code).

As per claims 54 and 62 Hall et al (5,898,831 A) teach the system and a method as described in claims 52 and 60, wherein said computing device comprises a PDA,

pager, portable phone, laptop computer, calculator, a radio frequency identification tag or a portable device (see fig.3; col.5, lines 54-65).

As per claims 55 and 63 Hall et al (5,898,831 A) teach the system, method as described in claims 52 and 60, wherein said radio frequency identification integrated circuit is incorporated with a snap-on adapter fabricated to couple to said portable computing device (see fig.2-4; col.5, lines 54-65).

As per claims 56 Fabrication of snap-on adapter from plastic, nylon, or carbon fiber is well known in the art, such as badge, smart card, smart card type modem and remote control. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to fabricate the Hall's portable computing devices from plastic, nylon or carbon fiber in order to have cheap, light and non-conductivity insulated devices.

14. **Claims 64-65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al (5,898,831 A) in view Casden (6,828,902 B2); and further in view of Win et al (6, 182,142 B1).

As per claims 64-65 Hall et al (5,898,831 A) in view of Casden (6,828,902 B2) teach all limitation of the claims as applied to claim 60 above but do not disclose explicitly tracks the time and date of ingress and egress of said computing device. However Win et al (6,

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182,142 B1) teach tracks the time and date of ingress and egress of said computing device (see abstract; col.col.3, lines 15-21; col.6, lines 7-16; col.10, lines 6-24 where the date of successful login or entry access or non successful time and date are recorded and monitored in a log). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Win et al login monitoring system in Hall's portable computing device access system in view of Casden 's energizing IC in order to record access time and date of a portable computing device entryway such as car remote key entry access of fig.15-16 of Hall.

Allowable Subject Matter

15. Claims 12-20 and 31-38 are allowed.
16. Claims 57 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
17. A final search will be conducted upon allowability of all claims in the application on the time such determination is considered (Applicant's final arguments) and based on such search, the final allowability of the claims are determined.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KAMBIZ ZAND
PRIMARY EXAMINER

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08/29/2006